

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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DISTRICT COURT
DISTRICT OF MASS

MERRIMACK MUTUAL FIRE
INSURANCE COMPANY, a/s/o/ JOHN
McDONOUGH

Plaintiff,

CIVIL ACTION NO. 04CV10091-MBB

v.

APPLICA CONSUMER PRODUCTS, INC.,
Defendant.

AFFIDAVIT OF H. MICHAEL O'BRIEN

I, H. Michael O'Brien, hereby depose and say:

1. I am a partner in the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 3 Gannet Drive, White Plains, NY 10604. I have been retained as counsel for Applica Consumer Products, Inc.

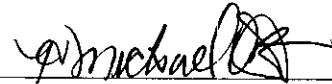
2. I am a member of the bar in good standing in every jurisdiction where I have been admitted to practice with the exception of New Jersey, where I voluntarily relinquished my license because I no longer live in the state. I have been admitted to practice before the Supreme Court of New Jersey, the United States District Court for the District of New Jersey, the Supreme Court of New York, the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, and the United States District Court for the Northern District of New York.

3. I am not now, nor have I ever been, the subject of any disciplinary proceedings as a member of the bar in any jurisdiction in which I am admitted.

4. I am familiar with the local rules for practice before the Massachusetts Courts.

5. This affidavit is given in support of the motion for my admission *pro hac vice* in this matter.

Signed under the pains and penalties of perjury on this 22 day of November, 2004.

A handwritten signature in black ink, appearing to read "H. Michael O'Brien", written over a horizontal line.

H. Michael O'Brien